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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,232	07/02/2001	David James Stevenson	01-494	9022

7590 03/21/2008  
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EXAMINER
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DOAN, DUYEN MY

ART UNIT	PAPER NUMBER
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2152

MAIL DATE	DELIVERY MODE
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03/21/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/897,232	<b>Applicant(s)</b> STEVENSON ET AL.	
	<b>Examiner</b> DUYEN M. DOAN	<b>Art Unit</b> 2152	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/10/2008 has been entered.

Claims 1-12, 19-25 are amended for examination.

Claims 13-18 are cancelled.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-12, 19-25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

Claims 19, 22 are objected to because of the following informalities:

There're should be a ":" after the word comprising.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Justice, Jr. et al (us pat 6,418,469) (hereinafter Justice) in view of Roytman et al (us pat 6,356,282) (hereinafter Roy) and further in view of Johnson (us pat 6,275,855).

**As regarding claim 1**, Justice discloses receiving network management data (col.1, lines 25-39), and determining if said network management data indicates said resolution of a previous event generated by said network management system in response to previously received network management data (col.1, lines 25-67, col.3, lines 26-67; col.4, lines 1-33, also see Fig.5, the log represents the list of action and recurring action, determine if the event in the log is resolved, then the management program updates the event list in response to the condition being resolved, the previous event is just an event in the log); automatically removing said previous event from a memory of said network management system (see Justice col.1, lines 38-42, col.3, lines 57-58, automatically remove the event from the log without user intervention). Justice discloses automatically update the event list in the condition being resolved.

Justice does not explicitly disclose maintaining an event list, said event list comprising severity indicator of said previous event; determining said resolution of event

in real-time and changing a severity indicator of said previous event dependent on said determining step; depending on said severity indicator.

The concept of having an event list and the event list comprising a severity indicator is a well known concept. For instant, Roy teaches an event list and the event list comprising a severity indicator (see Roy figure.6 and figure.7, event list comprising severity indicator).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Roy to the method of Justice to include the event list and the severity indicator because it would be helpful to the network management personnel in identifying and acknowledging the network condition (see Roy col.3, lines 31-43).

The combination of Justice and Roy does not teach determining the resolution of event in real-time and changing a severity indicator of said previous event dependent on said determining step; depending on said severity indicator.

However the concept of determining network event resolution in real-time and changing the severity indication is a well-known concept in the networking art. For instant Johnson discloses a network management system that having the capability of facilitate real-time problem resolution and changing the severity indicators by changing the color code on the interface (see Johnson col.1, lines 29-30; col.2, lines 18-30; col.5, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Johnson to the method of Justice –Roy

include determining in real-time and changing the severity indicators for the purpose of allowing for the immediate execution of remedial actions to minimize adverse consequence potential associated with the event (see Johnson col.3, lines 4-6).

**As regarding claim 2**, Justice-Roy-Johnson discloses if said network management data indicates said resolution of a previous event, said method further comprises marking said previous event as resolved (see Justice, Fig.8, mark date and time of resolved event).

**As regarding claim 3**, Justice-Roy-Johnson discloses said network management data is processed in response to said network management system receiving network management data from said network (see Justice, col.1, lines 25-67).

**As regarding claim 4**, Justice-Roy-Johnson discloses said network management data comprising values of a monitored characteristic of a part of said network for which an event is generated if said monitored value exceeds a predetermined threshold (see Justice col.3, lines 19-67, col.4, lines 1-33; also see Fig.5, said log represents said list of action and recurring action, determine if said event in the log is resolved, then said management program updates said event list in response to said condition being resolved, the previous event is just an event in the log), wherein said event list includes an unresolved previous event for the monitored characteristic, wherein said step of receiving network management data comprises receiving a value for said monitored characteristic, and said step of determining comprises considering whether said monitored value has been below said predetermined threshold for a preceding time period, and if so determining that said received value indicates said

resolution of said unresolved previous event (see Justice col.3, lines 19-67, col.4, lines 1-33; also see Fig.5, the log represents the list of action and recurring action, determine if the event in the log is resolved, then the management program updates the event list in response to the condition being resolved, the previous event is just an event in the log).

**As regarding claim 5**, Justice-Roy-Johnson discloses in response to receiving said network management data, comparing a first received value for said monitored characteristic with said predefined threshold, and if said value is below said predefined threshold, starting a timer, said timer expiring at said end a predefined time period (see Justice col.3, lines 26-67, col.4, lines 1-33).

**As regarding claim 6**, Justice-Roy-Johnson discloses comparing each subsequent received value for said monitored characteristic with said predefined threshold, and if any value exceeds said threshold canceling said timer (see Justice col.3, lines 26-67, col.4, lines 1-33).

**As regarding claim 7**, Justice-Roy-Johnson discloses when said timer expires, determining that said monitored value has been below said predetermined threshold for said preceding time period (see Justice col.3, lines 26-67, col.4, lines 1-33).

**As regarding claim 8**, the limitations are similar to limitation of rejected claim 1, therefore rejected for the same rationale as claim 1, in addition Justice-Roy-Johnson discloses periodically receiving a value for said monitored characteristic (see Justice, col.4, lines 19-33); if a received value exceeds a predetermined threshold for said monitored characteristic generating an event (see Justice, col.3, lines 43-67, col.4, lines

1-17); and thereafter, periodically considering whether said monitored value has been below said predetermined threshold for a preceding time period, and if so determining that said event is resolved (see Justice col.3, lines 26-67). The same motivation was utilized in claim 1 applied equally well to claim 8.

**As regarding claim 9**, Justice-Roy-Johnson discloses said preceding time period is an immediately preceding predetermined time period, and said step of periodically considering comprises considering whether said monitored value has been below said predetermined threshold for said immediately preceding time period in response to each subsequently received value (see Justice col.3, lines 19-67, col.4, lines 1-33).

**As regarding claim 10**, Justice-Roy-Johnson discloses said step of considering determines that said event is resolved; said method further comprises marking said event as resolved (see Justice Figure 8, mark the date of the resolved event).

**As regarding claim 11**, Justice-Roy-Johnson discloses said network management data relating to an asynchronous Trap being received by said network management system, wherein said step of determining comprises considering if said Trap indicates said possible resolution of an event in an event log (see Justice, col.3, lines 14-67).

**As regarding claim 12**, Justice-Roy-Johnson discloses if said Trap indicates said possible resolution of an event in an event log, said step of determining further comprises considering whether said event log includes a previously received event that is resolved by said Trap (see Justice col.3, lines 14-67).



**As regarding claim 19**, the limitations are similar to limitation of rejected claim 1, therefore rejected for the same rationale as claim 1, in addition Justice-Roy-Johnson discloses a method for processing event data generated by a network management system during said monitoring of a network (see Johnson col.5, lines 47-67; col.6, lines 1-8) said method processing event data relating to events previously generated by said network management system a plurality of times and which may be entered in said event log as a recurring event (see Justice col.1, lines 25-67, col.3, lines 26-67; col.4, lines 1-33, also see Fig.5, the log represents the list of action and recurring action, determine if the event in the log is resolved, then the management program updates the event list in response to the condition being resolved, the previous event is just an event in the log, event 11000 appeared three times in the log, also see Figure.8, upgrade system Rom appeared twice with two different time periods), determining if an event has already been logged a predetermined number of times in an event list, and if so automatically identifying a recurring event to be processed from said event list (see Justice col.1, lines 25-67, col.3, lines 26-67; col.4, lines 1-33, also see Fig.5); and considering whether said condition which caused said event to be generated has occurred in a preceding time period (see Justice col.1, lines 25-67, col.3, lines 26-67; col.4, lines 1-33, also see Fig.5). The same motivation was utilized in claim 1 applied equally well to claim 19.

**As regarding claim 20**, Justice-Roy-Johnson discloses if said step of considering determines that said condition which caused said event to be generated has not occurred in said preceding time period, determining said event to be resolved

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(see Justice col.1, lines 25-67, col.3, lines 26-67; col.4, lines 1-33, also see Fig.5, the log represents the list of action and recurring action, determine if the event in the log is resolved, then the management program updates the event list in response to the condition being resolved, the previous event is just an event in the log).

**As regarding claim 21**, Justice-Roy-Johnson discloses mark said event in said event list as resolved (see Johnson col.6, lines 39-41). The same motivation was utilized in claim 1 applied equally well to claim 21.

**As regarding claim 22**, the limitations are similar to claim 1, therefore rejected for the same rationale as claim 1.

**As regarding claims 23-25**, the limitations are similar to claims 1-4, therefore rejected for the same rationale as claims 1-4.

#### **Examiner's Note:**

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in

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entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUYEN M. DOAN whose telephone number is (571)272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. M. D./  
Examiner, Art Unit 2152

/Bunjob Jaroenchonwanit/  
Supervisory Patent Examiner, Art Unit 2152